

HOUSE BILL 3049
By McDonald

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, relative to the possession of an alcoholic beverage in a motor vehicle.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-416, is amended by deleting the current language in its entirety and by substituting instead the following language:

(a) As used in this section, unless the context otherwise requires:

(1) "Open container" means a bottle, can or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed.

(2) "Passenger area of a motor vehicle" means the area of a motor vehicle designed for the seating of the operator and passengers of the vehicle.

The term does not include:

(A) A glove compartment or similar storage container that is locked;

(B) The trunk of a vehicle; or

(C) The area behind the last upright seat of the vehicle, if the vehicle does not have a trunk.

(b) A person commits an offense if the person knowingly possesses an open container in a passenger area of a motor vehicle that is being operated. Possession by a person of one or more open containers in a single criminal episode is a single offense.

(c) A person has not committed a violation of subsection (b) if the person was a passenger in:

(1) The passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, including a bus, taxicab, or limousine; or

(2) The living quarters of a motorized house coach or motorized house trailer, including a self-contained camper, a motor home, or a recreational vehicle.

(d) A violation of subsection (b) is a Class C misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.